

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RONALD EVANS,
AND LISA EVANS,

Plaintiffs,

v.

ALLSTATE TEXAS LLOYD'S

Defendant.

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3:16-cv-00547-M

ORDER

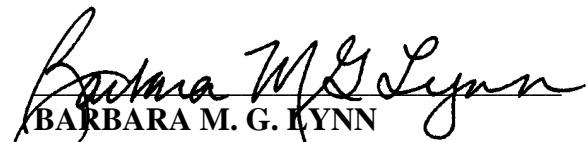
Before the Court is Plaintiff's Motion to Compel Mediation under Texas Insurance Code § 541.161 and Texas Business and Commerce Code § 17.5051 [Docket Entry #9]. The Motion is **GRANTED**.

Defendant opposes the Motion, on the grounds that, under the doctrine set forth in *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938), federal courts in diversity cases are not required to follow the Texas statutes, which, when applicable, require courts to order early mediation. The Court concludes that it need not determine whether it must apply the state statutes that are the basis for the Plaintiff's Motion. The Northern District of Texas has adopted a Civil Justice Expense and Delay Reduction Plan under which the Court may refer a matter to mediation on the motion of any party or on the Court's own motion. Northern District Civil Justice Expense and Delay Reduction Plan § IIIA. The Court concludes that this matter is appropriate for early mediation.

Therefore, the Court **ORDERS** that a mediation between the parties be completed no later than thirty days from the date of this Order. If they agree on a mediator, the parties are directed to submit, by April 8, 2016, the name of a proposed mediator. If the parties do not agree on a mediator, the Court will appoint one. An Order of Referral for Mediation will issue once a mediator is selected.

SO ORDERED.

April 4, 2016.



BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS